

**DECLARATION OF  
TIMOTHY E. DI DOMENCIO**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GERARD CAMPBELL, individually on behalf of  
himself and all others similarly situated, :

Plaintiff, :

Civ. Action No. 1:16-cv-07119 (FB)

- against - :

FRESHBEV LLC and WHOLE FOODS MARKET  
GROUP, INC., :

Defendants. :

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**DECLARATION OF TIMOTHY E. DI DOMENICO IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I, Timothy E. Di Domenico, declare under penalty of perjury the following:

1. I am Of Counsel with the law firm of Greenberg Traurig, LLP, attorneys for Defendants Freshbev LLC and Whole Foods Market Group, Inc. ("Defendants") in the above-captioned action.
2. A true and correct copy of Plaintiff Gerald Campbell's ("Plaintiff") Third Amended Complaint, dated June 22, 2017, is annexed hereto as Exhibit A.
3. True and correct copies of Plaintiff's complaints in the following actions are annexed hereto as Exhibits B and C, respectively: *Campbell v. Drink Daily Greens, LLC*, No. 16-cv-07176 (E.D.N.Y.) and *Campbell v. Jamba Juice, Inc. and Jamba Juice Co.*, No. 16-cv-09993-VM (S.D.N.Y.).

4. A true and correct copy of the FDA Juice HACCP Guidance, located at <https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Juice/ucm072557.htm> (Mar. 3, 2004) is annexed hereto as Exhibit D.

5. True and correct copies of Freshbev juice labels for Ripe Craft Juice 12 Cranberry Unsweetened, Ripe Craft 12.2 Northeast Blend Cranberry Apple, and Fresh Juice Pineapple are annexed hereto as Exhibit E.

Executed on August 14, 2017

/s/ Timothy E. Di Domenico  
Timothy E. Di Domenico